

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA and  
NEW YORK STATE, ex rel. ENRICO  
MONTAPERTO,

Plaintiffs,

-against-

NEW PARKWAY HOSPITAL, a not-  
for profit New York State  
Corporation, et al.,

Defendants.

UNDER SEAL  
ORDER

Civil Action No. CV-05-4911

(Wexler, J.)

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Whereas, the United States has provided its Notice of its election to intervene in this action, which has been commenced by Enrico Montaperto (the "Relator"), in accordance with the False Claims Act, 31 U.S.C. §§ 3730(b)(4)(A) and 3730(b)(2).

IT IS ORDERED that:

1. Relator's Complaint be unsealed, and served by Relator in accordance with the Federal Rules of Civil Procedure.
2. All other contents of the Court's file in this action shall remain under seal and not made public or served upon the defendant, except for this Order and the United States' Notice of Partial Intervention, which the United States shall serve upon the defendant after receipt of this Order.
3. The seal be lifted as to all other matters occurring in this action after the date of this Order.
4. The parties shall serve all pleadings and motions filed in this action including

supporting memoranda, upon the United States, in accordance with 31 U.S.C. § 3730(c)(1) and (c)(3). The United States may order any deposition transcripts and is entitled to intervene in Relator's remaining causes of action for good cause, at any time.

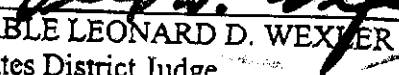
5. All orders of this Court shall be sent to the United States.

6. The United States shall file a complaint in furtherance if its decision to intervene which shall state such additional claims for relief as it deems appropriate, within 60 days of receipt of this Order.

7. In the event Relator or the defendant proposes that the remaining causes of action be dismissed, settled, or otherwise discontinued, the Court will solicit the written consent of the United States before ruling or granting its approval.

SO ORDERED:

On this 14 day of July, 2008

  
HONORABLE LEONARD D. WEXLER  
United States District Judge  
Central Islip, New York